



# Child Care Service, a guide for working or volunteering

## Overview

The *Registration to Work with Vulnerable People Act 2013* aims to protect children from harm by providing a high standard of compulsory background checking for anyone involved in child-related work in Tasmania. It does not matter whether the work is paid or unpaid, supervised or unsupervised.

Working with Vulnerable People (Children) Registration applies to people within all sectors including Religious Organisations. It is important that safe environments are provided for all children who participate in this sector.

Not only is it up to the individual to make sure they are registered to work with children but employers and volunteer organisations have a number of responsibilities and obligations under the Act including the responsibility to ensure that their staff and volunteers have a valid registration to work with children.

## Who needs Registration?

If you work or volunteer with children in the child-care sector you might need to apply for this new registration.

The following work is child related work, which means paid workers and volunteers (unless exempt) require Working with Vulnerable People (Children) Registration:

- an education and care service as defined in the *Education and Care Services National Law (Tasmania)*, Section 5(1)
- child care service as defined in Section 3(1); and child care as defined in section 4 of the *Child Care Act 2001*

Further examples include those working in:

- child care centres
- family day care services
- outside school hours care services

And services not previously Regulated under the *Child Care Act and Education and Care Services National Law (Tasmania)* including:

- nanny and other child minding services provided on a commercial basis
- baby-sitting, unless the services are provided under a private arrangement (e.g. care by family and friends, for fees or otherwise)
- au pair work, if the work involves providing child care

These roles also require Working with Vulnerable People (Children) Registration:

- an approved provider\*, manager or person with management or control of an education and care service
- the licensee (or their representative) of a child care service under the *Child Care Act 2001*
- all members of the service operator of a child care service under the *Child Care Act 2001*
- child care educators and staff members, including ancillary staff such as cooks, groundskeepers, administrative staff, bus drivers
- students, 18 years of age and over on work placement in child care services that are regulated under the *Child Care Act 2001* or the *Education and Care Services National Law (Tasmania)*.
- an adult who resides\*\* at a home where family day care or home-based care takes place. This applies to family members and includes anyone 18 years of age or older.

## Notes

\*An approved provider means a person who is taken to be an approved provider under the *Education and Care Services National Law (Application) Act 2011*.

\*\*Residing at a home is not limited to a permanent living arrangement and there are a number of factors to be considered in determining whether or not someone resides at a home. These include (but are not limited to):

- the amount of time the person spends at home
- how frequently they stay
- whether or not their staying at the home is a regular or usual arrangement
- whether the arrangement will be ongoing

You do not need to have lived at a place for any particular amount of time before you are considered to be residing there.

It is also possible for you to reside at more than one home.

## Who is exempt from Working with Vulnerable People (Children) Registration?

There are a limited number of exemptions from registration. However, while exemptions exist they can be overruled by any employer who determines that these exemptions should not apply in their workplace or volunteering occupation. Employers will often make this decision based on their assessment of the risk of harm to children within

See 'Fact Sheet: Exemptions from Registration' at the Working with Children Registration website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

There may also be requirements under other Legislation, such as the *Education and Care Services National Law (Application) Act 2011*.

## When will I need a Working with Vulnerable People (Children) Registration?

From 1 October 2014, people working or volunteering in education and care (child care) services will need to hold **either** a Tasmanian Working with Vulnerable People Registration (WWVP Registration) or a **valid** safety screening clearance issued by the Department of Education.

This applies until all people have transitioned to the WWVP Registration.

For those in the education and care (child care) sector, the WWVP Registration will be phased in over the next eighteen months.

Please consult the following table to determine when you will need to apply for a WWVP Registration, based on the expiry date of your safety screening clearance. Please note that the expiry date on your safety screening clearance is **not** the date from which you will need to hold a WWVP Registration.

## Information for those already holding a Safety Screening Clearance

<b>My safety screening clearance expires between:</b>	<b>Apply for a new safety screening clearance</b>	<b>Mandatory WWVP Registration date</b>
<b>1 July 2014 and 30 September 2014.</b>	by close of business 31 August 2014.	If you are issued with a new safety screening clearance between 1 July and 30 September 2014 you will need to apply after 1 July 2015 and have registration by 1 January 2016.
<b>My safety screening clearance expires between:</b>	<b>Apply for WWVP Registration from:</b>	<b>WWVP Registration will be mandatory from:</b>
<b>1 October 2014 and 30 June 2015.</b>	1 July 2014.	<b>1 January 2015*.</b> Your safety screening clearance will <b>no longer be valid</b> from this date.
<b>1 July 2015 and 30 June 2016.</b>	1 January 2015.	<b>1 July 2015*.</b> Your safety screening clearance will <b>no longer be valid</b> from this date.
<b>1 July 2016 and 30 June 2017.</b>	1 July 2015.	<b>1 January 2016*.</b> Your safety screening clearance will <b>no longer be valid</b> from this date.

\* The Department of Justice recommends applying a minimum of **six weeks before** needing the Working with Vulnerable People (Children) Registration

## Information for those intending to commence work in the Education and Care Sector or other child-related work

<b>When do you intend to commence work in the sector:</b>	<b>Which screening should you apply for:</b>	<b>WWVP Registration will be mandatory from:</b>
<b>I intend to commence working in the sector before 1 October 2014</b>	Apply for a safety screening clearance by close of business 31 August 2014.	If you are issued with a new safety screening clearance between 1 July and 30 September 2014 you will need to apply after 1 July 2015 and have registration by 1 January 2016
<b>I intend to commence working in the sector on or after 1 October 2014</b>	Apply for a WWVP Registration from 1 July 2014.	You must hold a WWVP Registration <b>before commencing</b> work.

\*The Department of Justice recommends applying a minimum of **six weeks before** needing the Working with Vulnerable People (Children) Registration

## Why does the table include applying for a Safety Screening Clearance?

As the WWVP Registration Legislation does not require registration until 1 October 2014, those with a Safety Screening Clearance expiring before this date are able to re-apply for a Safety Screening Clearance.

The Conduct and Investigations Unit (C&I) within the Department of Education will continue to process Safety Screening Applications as long as they are received by C&I by close of business 31 August 2014.

This is to reduce the possibility that people in this category may have an expired Safety Screening and also be without a valid WWVP Registration.

## **Please Be Aware**

The C&I Unit within the Department of Education has advised that they are returning Safety Screening Applications that do not meet the guidelines for processing.

All Safety Screening Applications received by the C&I Unit with expiry dates from **1 October 2014** will be returned without being processed.

## **How does the WWVP Registration fit with requirements under Education and Care Legislation?**

Due to the transition process, the *Education and Care National Regulations 2011* have been amended to enable people to hold **either** a Safety Screening Clearance or a WWVP Registration.

Once everyone has transitioned from Safety Screening to a WWVP Registration, and then only the WWVP Registration will apply.

The tables on page four assist people to be able to meet the requirements of both the *Registration to Work with Vulnerable People Act 2013* and the Education and Care Legislation, that is, the *Education and Care Services National Regulations* and the *Child Care Act 2001*.

## **Who needs to apply for a WWVP Registration under education and care Legislation?**

All people working or volunteering in an education and care service, including students 18 years and over are required to have a WWVP Registration. If you are required to hold a Safety Screening Clearance currently, and you continue to be involved in child related activities, you will be required to hold a WWVP Registration.

## **Penalties for not complying**

If you do not hold a Working with Vulnerable People (Children) Registration (or have a completed application in progress) in line with the above timetable, you will be committing an offence, and penalties may apply.



Working with Children Registration is on Facebook. What a great way to get a reminder that it's time to apply. To connect, [login or sign up for Facebook](#) and search for Working with Children Registration.

## The Process

**Part A: How do I apply?**

**Part B: What if I am registered as a volunteer and now need registration for employment?**

**Part C: What is assessed in my application?**

**Part D: When will I receive my results?**

**Part E: Refusals and Appeals**

**Part F: How will an organisation know if someone has applied for Registration?**

**Part G: How will an organisation know if registration is Suspended or Cancelled?**

### **Part A: How do I apply?**

#### **Step 1: Complete the online\* application form at:**

[http://www.justice.tas.gov.au/working\\_with\\_children/application](http://www.justice.tas.gov.au/working_with_children/application)

Applicants who do not have internet access may telephone 1300 13 55 13 for advice about locations that offer free internet access to the public.

Please make sure the details you provide are exactly the same as the details on your identity documents. If you have submitted the form with a mistake, please re-do the form to avoid the possibility of incurring additional cost and problems with the proof of identity requirements.

Once you have submitted the form, you will be able to print an application receipt. If you do not have a printer, write down your application number.

The application fee can be paid online by credit card or delayed and paid at Service Tasmania (see step 2).

#### **Step 2: Present Proof of Identity and payment at Service Tasmania**

You must bring all three of these items for your application to proceed:

- application receipt or application number
- proof of identity
- payment (if you have not already paid online)

You must present in person at Service Tasmania (please read the [Fact Sheet: Interstate and Overseas Applicants](#) if applying from outside of Tasmania). You cannot submit proof of identity for someone else.

To find a Service Tasmania shop near you, visit [www.service.tas.gov.au/about/shops](http://www.service.tas.gov.au/about/shops)

For proof of identity requirements:

*See Fact Sheet: 'Proof of Identity' at the Working with Children Registration website:*

[www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

## Part B: What if I am registered as a volunteer and now need registration for employment?

Registration to Work with Vulnerable People is portable across all child related activities. For instance, if a person volunteers in a religious activity and also drives a school bus they are only required to register once.

However, registrants are required to amend their 'Registration Type' to show that they use the registration for both employment/volunteer. Registrants should also ensure they amend their registration information to include details of the bodies that engage the registrant for volunteering or employment.

If you currently hold a volunteer class registration and start paid employment in a child related activity, you are required to change your details online by following the steps below:

1. Go to the website [http://www.justice.tas.gov.au/working\\_with\\_children/change\\_details](http://www.justice.tas.gov.au/working_with_children/change_details)
2. Click the link [online Registration Amendment form](#)
3. Enter your Application or Registration Number, Last Name and Date of Birth then click the 'Search'
4. If you have previously provided both SMS and Email details, you will be asked to select your preferred contact method to receive a 6 digit security code
5. Retrieve the code sent by SMS or Email (this will expire 10 minutes after being sent)
6. Enter the 6 digit code and click the 'Verify' button
7. Next to the heading 'Registration Type' click **Update**
8. Change the 'Class of Registration' to Employment/Volunteer
9. Pay the fee to change class online or at Service Tasmania
10. Next to the heading 'Existing Employment and Volunteer Details' click **Update**
11. Click 'Add Employer' and enter your new employment details
12. Click the 'Validate' button at the bottom of the page
13. If you have previously provided an email address, you will receive a PDF copy of your changes by email, please ensure the details you entered are correct
14. Please allow 21 days for a new card to be sent to you after payment has been made.

## Part C: What is assessed in my application?

Your records will be assessed to see if you have charges or convictions that indicate you pose a risk of harm to a child.

National criminal record information is routinely collected from sources in Australia (not overseas). This includes information about:

- Convictions for all criminal offences you may have
- All 'spent' convictions (convictions that do not need to be ordinarily declared)
- Any 'pending' charges (charges that have not yet been decided by a court)
- All 'non-conviction' charges (charges that have been finalised by a court but did not result in a conviction)

Information about your criminal record may also be obtained from authorised bodies in Tasmania and similar authorities in other states and territories such as:

- The Police
- The Office of the Director of Public Prosecutions
- The Department of Corrective Services
- The Department of the Attorney General
- The Department of Health and Human Services
- Courts.

## Ongoing monitoring

If an applicant is successful in securing registration, the Registrar will continue to monitor an individual's record for relevant new records over the three year term of registration.

Certain types of new records may trigger an additional Risk Assessment to be undertaken by the Registrar who may subsequently determine that, based upon the new information available, a registration will be cancelled, suspended or conditions issued.

*See Fact sheet: 'Risk Assessment Process' at the Working with Children Registration website:*

[www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)



## Part D: When will I receive my results?

Please allow six weeks to receive your results before emailing [workingwithchildren@justice.tas.gov.au](mailto:workingwithchildren@justice.tas.gov.au) (with your application reference number). Information cannot be provided on your application before this time.

If successful, you will be posted a Working with Vulnerable People (Children) Registration Card.

If there are any issues with your application, you will be contacted by post or email (according to the preference indicated on your application form).

### Usual cause of delays

For most people, delays may be caused by:

- the time it takes for information to be reported on a criminal history (2 to 5 weeks)
- having a common surname or date of birth
- sharing the same name as someone with a criminal history
- having records against your name.

### Same name as someone with a criminal record

If you have the same name as someone with a criminal record, your results may be delayed while your identity is matched using additional information such as date of birth details. This will delay your results but ensure your records are not mistakenly associated with those belonging to someone else.

### Records against your name

*See 'Part C: What is assessed in my application?' in this guide.*

## Part E: Refusals and Appeals

When you apply for Working with Vulnerable People (Children) Registration, there are only three outcomes:

- registration to work with children (without conditions)
- registration to work with children (with conditions)
- refusal of application to work with children.

### Being notified of a Possible Refusal

If there are concerns with your application, you will be informed in writing with reasons for the decision this is called a 'Proposed Negative Notice'.

You will be invited to submit further information which may affect the final decision. In the meantime, you cannot work or volunteer in a child-related activity.

### Being notified of a Refusal

If your application is unsuccessful, you will be informed in writing with reasons for the decision.

If you are already in child-related work (or planning to be in such employment), your employer (or prospective employer) will be:

- notified that you have been refused a Working with Vulnerable People (Children) Registration
- instructed to remove you from child-related work.

**Reasons for your refusal will not be shared with your employer (or prospective employer).**

## Consequences of the Refusal

If a Working with Vulnerable People (Children) Registration is refused, it is a criminal offence to work in regulated child-related activities for five years (unless circumstances have changed that permit an earlier application). Serious penalties apply.

If you are already working with children, you must immediately remove yourself from this work.

## Applying for a Review of the Refusal

You can request a review of the refusal except if:

- you previously applied for Working with Vulnerable People (Children) Registration and were issued a Negative Notice
- less than five years has passed since your Working with Vulnerable People (Children) Registration was cancelled

This does not apply if there has been a change in any relevant information about you.

## Lodging an Appeal

You must lodge your application for a review with the Magistrates Court (Administrative Appeals Division) within 28 days of having your application refused (if you miss this deadline, contact the Administrative Appeals Division; it may grant an extension). For more information go to [www.magistratescourt.tas.gov.au/divisions/administrative\\_appeals\\_division](http://www.magistratescourt.tas.gov.au/divisions/administrative_appeals_division)

## Part F: How will an organisation know if someone has applied for Registration?

While successful applicants receive a Working with Vulnerable People (Children) Registration Card, the system of applying and verifying is online only.

If someone with Working with Vulnerable People (Children) Registration commits a criminal offence, their Registration may be cancelled, and their details removed from the online system.

It is then a criminal offence:

- for an individual to work in a child-related activity
- for an employer or volunteer body to engage an employee or volunteer for a child-related activity.

There is a two stage application process:

1. Complete the online form and print the application receipt ([http://www.justice.tas.gov.au/working\\_with\\_children/application](http://www.justice.tas.gov.au/working_with_children/application))
2. Take the application receipt to Service Tasmania with Evidence of Identity and Payment

**Only after applicants have completed the second stage (at Service Tasmania) will there be an ability to track progress of the application online.**

**Importantly, it is an offence for a person to commence in a regulated child related activity unless they have completed both stages of the application process.**

To check if a person has completed both stages use [Verify Registration Status](#) to review registered details.

- Enter **Application number** and **Surname**
- If an applicant has completed both application stages the website will display a message about where the application is in respect to a final decision.
- **If both stages have not been completed there will be no search result.**
- **Importantly, if an application has been refused there will be no search result.**

If this is the case you should raise this with your employee to ensure they complete both stages of the application process. If you have previously viewed the progress of an application and can no longer obtain a search result for that same applicant it may be that the applicant has been advised of a negative result. In which case you should discuss this with the applicant as they should not be engaged in a regulated activity until they either hold registration or the website provides evidence of an application being processed.

## **Part G: How will an organisation know if registration is suspended or cancelled?**

This is important information because if a person's registration is suspended or cancelled it is an offence for an employer or volunteer organisation to engage that person in a child related activity.

Organisations will be advised of any important change to the status of a registrant but only where the organisations details are correctly recorded against a card holder.

It is important that employers and volunteer bodies confirm that their correct contact details are recorded against all people that require registration to work or volunteer with vulnerable people for their organisation.

In order to review a person's current registration status (including the bodies they have listed) all you will need is a person's Application/Card number and Surname.

You can then use [Verify Registration Status](#) to review registered details:

- Check the current details by selecting **View / Update Details**
- To add a new organisation click **Add Employer**
- Once you have entered the details the applicant will receive notification that a new organisations details have been added to their record.

If you are an employer or volunteer organisation, you must not accept the Working with Vulnerable Guide for those working or volunteering in Clubs and Associations People (Children) Registration Card or any other paper 'evidence' as proof of registration.

You must use Verify Registration Status (above) to verify if someone holds registration.

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### **For more information contact**

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